IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07/04/2003

CORAM

THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

W.P.No.2619 of 1999

V.Sampangiramaiah .. Petitioner

-Vs-

The Collector
Dharmapuri
Dharmapuri District. .. Respondent

Petition under Article 226 of the Constitution of India for issue of a writ of Certiorarified Mandamus as stated therein.

For petitioner : Mr.P.Mohan Raj

For respondent : Mr.P.Chandrasekaran
Special Govt. Pleader

:ORDER

The petitioner seeks the issue of a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in Va.Pa.11/89 (F1) dated 29.1.1999, to quash the same and to direct the respondent to restore the petitioner's Community Certificate cancelled by the respondent.

2. Without going into the merits of the case, I am obliged to quash the impugned proceedings dated 29.1.1999 and remit the matter to the District Level Caste Vigilance committee, with a direction to hold an enquiry with regard to the request of the petitioner for issuance of community certificate, decide as to whether the petitioner belongs to Kurumans Community, which is a Schedule Tribe community, and pass appropriate orders on the same within six months from the date of receipt of a copy of this order, after giving fair and reasonable opportunity to the petitioner, in compliance of the principles of natural justice. The petitioner is directed to co-operate with the enquiry, failing which, the matter shall be proceeded with by the District Level Caste Vigilance Committee ex-parte. Applying the ratio laid down in the decision of the Apex Court in STATE OF TAMIL NADU & OTHERS V. A.GURUSAMY reported in JT 1997 (3) SC 346 and the decision of a Constitution Bench of the Apex Court in

STATE OF MAHARASHTRA V. MILIND reported in (2001) 1 SCC 4, it is made clear that the petitioner will not be entitled for any further promotion or any other benefit which are meant for Scheduled Tribe candidates, pending final decision in the above matter.

The writ petition is allowed. No costs.

Index: Yes
Internet: Yes
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To:

The Collector
Dharmapuri
Dharmapuri District.